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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Gross Violations of International Human Rights and Humanitarian Law in Iraq

1. Introduction

It has been about 13 years since the outbreak of the Iraq War in March 2003. However, the country is still in chaos, and public security remains unstable even now.
Human Rights Now (HRN) expresses its grave concern over the present human rights situation in Iraq. According to the latest OHCHR/ UNAMI report on 5 January 2016, civilian losses are becoming serious, with 18,802 people killed, 36,245 injured, and 3.2 million displaced.[1]
In January 2016 alone, 490 people were reported to have been killed and 1157 wounded.[2] Most of these casualties are caused by grave violations of human rights which may constitute genocide, crimes against humanity, and war crimes.

2. Human Rights Violations in Iraq

(1) Civilian persecution by ISIL

ISIL, which controls an area from central Iraq to northern Syria, forces obedience among the population it controls and commits grave human rights violations. In March 2015, an OHCHR report concluded that members of ISIL may have committed genocide, war crimes, and crimes against humanity against ethnic and religious minorities.[3]

According to the latest OHCHR/UNAMI report,[4] ISIL has executed ISF, former ISF, police officers, journalists, and even homosexuals. The methods of execution are cruel as well, including shooting, decapitation, running over by car, burning, pushing off a building, etc. The report also records many kidnappings by ISIL, including of children, many of which are made into fighters. It further reports ambushes, attacks, and killings of citizens fleeing persecution.[5] The report also found about 3,500 citizens are currently treated as slaves in ISIL controlled areas.[6]

(2) Persecution against minorities such as Yezidis

ISIL continuously targets specific ethnic or religious minorities including Yezidis, Christians, Turkmens, and Shiites, and subjects them to physical, sexual and other forms of brutal violence. Among these groups, Yezidis, in particular, have been systematically targeted by ISIL. ISIL members label Yezidism as "Satanism," either executing them or forcing believers to convert to Islam, as well as commit widespread sexual violence against Yezidi women and girls.[7]

Based on interviews with Yezidis women and girls from 12 to 30 years old, HRN found that Yezidi women and girls

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[1] HUMAN RIGHTS Office of the United Nations High Commissioner for Human Rights /UNAMI, "Report on the Protection of Civilians in the Armed Conflict in Iraq:1 May-31 October 2015," 2016.1.5, http://www.ohchr.org/Documents/Countries/IQ/UNAMIReport1May31October2015.pdf.
[2] "UN Casualty Figures for the Month of January 2016," 2016.2.1, http://www.uniraq.org/index.php?option=com_k2&view=item&id=5147:un-casualty-figures-for-the-month-of-january-2016&Itemid=633&lang=en.
[3] "ISIL may have committed genocide, war crimes in Iraq, says UN human rights report," 2015.3.19, http://www.un.org/apps/news/story.asp?NewsID=50369#.VrGt16Nf3cs.
[4] OHCHR/UNAMI, *supra* n.1.
[5] "Violent attacks reported against civilians fleeing ISIL-controlled areas of Iraq–UN human rights office," 2015.7.28, http://www.un.org/apps/news/story.asp?NewsID=51517#.VrGvoqNf3cs
[6] OHCHR/UNAMI Report, *supra* n.1.
[7] Amnesty International, Iraq: Yezidi women and girls face harrowing sexual violence, 2014.12.23, https://www.amnesty.org/en/latest/news/2014/12/iraq-yezidi-women-and-girls-face-harrowing-sexual-violence/

are raped through forced marriage, allotted as 'gifts', and sold repeatedly by ISIL fighters, thereby subjecting them to repeated sexual assault and rape.[8]

In November 2015, the bodies of about 120 Yezidis were found outside of Sinjar District, which Kurdish Peshmerga had regained from ISIL.[9] The latest OHCHR/UNAMI report notes that although about 2,200 of 5,800 kidnapped Yezidis have been released or escaped from ISIL control, many Yezidis are still kept as slaves.[10]

(3) Violations Committed by the Iraq Government, Iraq Security Forces (ISF), and Shiite Militias

Discrimination and persecution against Sunnis committed by the government and its forces have continued for decades until the present. Immediately after the 2003 Iraq war, the Iraq government, ISF, and *Shiite* militias began persecuting Sunni Muslims. The persecutions have been systematic and widespread, and the forms include extra-judicial killings, torture, other forms of violence, arbitrary arrests, and detentions.[11] A 2006 UNAMI report detailed such violations and analyzed the main aspects of human rights violations, such as that "[m]ilitias, at times linked to political parties which are also part of the Government, continue to operate outside the law; death squads and sectarian and religious extremists are equally prone to commit human rights violations."[12]

These decade-long violations have de facto contributed the emergence of ISIL; however, further escalations of ethnic violence against Sunni Muslims have been reported. According to the latest OHCHR/UNAMI report, government-backed armed groups are killing and kidnapping civilians and destroying infrastructure.[13] Shiite militias reportedly committed numerous massacres in various Sunni communities in Iraq.[14]

Further, the Iraqi government and ISF attack civilians in the name of the "fight against terrorism," causing civilian deaths. In August 2015, a government warplane dropped three barrel bombs on Fallujah city's maternity hospital and destroyed the hospital. At least 31 people including 23 women and children were reportedly killed, and many others were severely wounded.[15]

The government recently announced it will build security fence in Bagdad to protect the city from "criminal acts of the terrorists groups,"[16] however such an apartheid-like policy may further facilitate hatred and confrontation among the population. The government has a responsibility to protect the right to life of the people in Iraq. Violations of the rights of civilians by government-supported groups cannot be justified.

(4) Acts by the Kurdish government and Peshmerga

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[8] Human Rights Now, "ISIL's Sexual Violence against Yezidi and Other Women and Girls Must be Ceased Immediately," Aug 2015, http://hrn.or.jp/eng/wp-content/uploads/2015/09/30th-HRC-ISILs-Sexual- Violence-against-Yezidi-and-Other-Women-and-Girls.pdf

[9] Al Jazeera, "Mass grave of Yazidis killed by ISIL discovered in Iraq," 2015.11.28, http://www.aljazeera.com/news/2015/11/mass-grave-yazidis-killed-isil-discovered-iraq-151128155706194.html

[10] OHCHR/UNAMI Report, *supra* n.1.

[11] http://hrn.or.jp/eng/wp-content/uploads/2014/08/Iraq-CERD-final.pdf

[12] http://www.ohchr.org/Documents/Countries/July_August06_en.pdf

[13] Ibid.

[14] Erin Cunningham, "Feared Shiite militias back in spotlight after three Americans vanish in Iraq," 2016.1.21, https://www.washingtonpost.com/world/feared-shiite-militias-back-in-spotlight-after-three-americans-vanish-in-iraq/2016/01/21/f62c51ee-beec-11e5-98c8-7fab78677d51_story.html; http://time.com/4187322/iraq-baghdad-kidnap-shiite-militia/

[15] http://www.alaraby.co.uk/english/News/2015/8/13/Iraqi-war-planes-bomb-Fallujah-maternity-hospital; http://www.foxnews.com/world/2015/08/14/iraqi-officials-airstrikes-destroy-hospital-near-is-held-fallujah-killing-22.html; The hospital was constructed as one of the projects of Japanese oversees development assistance (ODA).

[16] http://www.aljazeera.com/news/2016/02/baghdad-fence-security-measure-barrier-160210063440720.html.

Many human rights violations have been reported in regions liberated from ISIL occupation. According to Amnesty International, the Kurdish Peshmerga destroyed thousands of houses and forcibly displaced Arab communities at 13 cities in Ninewa, Kirkuk, and central Diyala in northern Iraq, which the Peshmerga recaptured from ISIL from September 2014 to March 2015.[17] These acts are alleged to be war crimes.

OHCHR/UNAMI reported that Iraqi security forces, Kurdish security forces, and their respective affiliated militias have been responsible for looting and destruction of property belonging to the Sunni Arab communities, forced evictions, abductions, illegal detention, and, in some cases, extra-judicial killings.[18]

(5) Strikes by the US-Led Coalition

There are many civilian deaths caused by air strikes by the US- Led Coalition. On 29 January 2016, US forces officially admitted that they likely hit civilians in air strikes against ISIL in Iraq and Syria from July 2014 to October 2015. The number of officially acknowledged victims killed by the US-led coalition strikes in Iraq and Syria since August 2014 has reached to 21.[19]

3. Recommendations

In Iraq, ISIL, the Iraq Government and Security Forces, the Kurdistan Regional Government and Peshmerga, the US-led coalition, and other actors have intensified their hostility and committed grave violations of human rights which may constitute war crimes and crimes against humanity.

The prevailing impunity over grave human rights violations since the US-led invasion until now has allowed continuous human rights violations targeting significant numbers of the civilian population. The international community must spare no effort to cease all violations of international human rights and humanitarian law and protect non-combatant citizens, especially ethnic and religious minorities, children, women, and IDPs.

The Iraq government as well as the international community must address the root causes of Iraq's conflict. It is essential to end sectarian conflict and promote national reconciliation and pluralism. It is also important to restore rule of law, justice, and accountability throughout the country.
HRN calls on:

(1) The Iraq Government to

(a) Immediately cease all attacks, violence, persecution, and all forms of human rights violations against minorities, in particular Sunnis Muslims, conducted by any elements of the government as well as related militias;
(b) Strictly adhere to international human rights and humanitarian law and protect civilians in conflict and liberated areas from human rights violations;
(c) Investigate all allegations of human rights violations committed by the ISF and militias and bring perpetrators to justice;
(d) Establish an effective mechanism to redress human rights violations and ensure effective remedies for victims;
(e) Make all effort to restore rule of law, justice, and accountability for grave violations of human rights;

[17] Northern Iraq: Satellite images back up evidence of deliberate mass destruction in Peshmerga-controlled Arab villages, 2016.1.20, https://www.amnesty.org/en/latest/news/2016/01/northern-iraq-satellite -images-back-up-evidence-of- deliberate-mass-destruction-in-peshmerga-controlled-arab-villages/.
[18] http://www.un.org/apps/news/story.asp?NewsID=52730#.VsAJQ-Rf3m4;
http://www.aljazeera.com/news/2015/12/iraq-sunnis-suffer-abuse-areas-isil-151204113537273.html.
[19] "U.S.-led strikes likely killed five civilians in Iraq, Syria: statement,"
http://www.reuters.com/article/us-mideast-crisis-usa-casualties-idUSKCN0V726U.

(f) Ratify the Rome Statute of the International Criminal Court in order to prevent the recurrence of grave human rights violations;
(g) Make all effort to end sectarian conflict, and promote pluralism and national reconciliation;

(2) The US-led coalition to

(a) Carry out a transparent investigation of all alleged war crimes since the beginning of the 2003 Iraq war and occupation, and prosecute those most responsible for identified crimes;
(b) Cease all violations of international human rights law and international humanitarian law;

(3) UN Human Rights Council and international community to

(a) Assist Iraq to establish rule of law and effective mechanisms to prevent further human rights violations;
(b) Support the Iraq government to end sectarian conflict and promote pluralism as well as national reconciliation.